

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

SECURITIES AND EXCHANGE)	
COMMISSION,)	
)	
Plaintiff,)	
)	
vs.)	8:07CV94
)	
JAISANKAR MARIMUTHU, et al.,)	SCHEDULING ORDER
)	
Defendants.)	

This matter is before the magistrate judge for full pretrial supervision. The court has entered judgment in favor of the plaintiff and against defendants Chockalingam Ramanathan and Thirugnanam Ramanathan (Docs. 40 & 58). The record shows that the remaining defendant, Jaisankar Marimuthu, was served on January 29, 2009 (*see* Doc. 48, "Affirmation of Service"). Apparently, defendant Marimuthu has failed to timely answer or otherwise respond to the complaint. It remains plaintiff's duty to go forward in prosecuting the case by, for example, obtaining an entry of default and filing a motion for default judgment.

IT THEREFORE IS ORDERED that plaintiff is given until **October 30, 2009** to obtain a Clerk's Entry of Default (Fed. R. Civ. P. 55(a)) and to file a separate Motion for Default Judgment (Fed. R. Civ. P. 55(b)), or take other appropriate action to prosecute the case. If appropriate action is not taken, I will recommend that plaintiff's claims against Jaisankar Marimuthu be dismissed without prejudice pursuant to NECivR 41.2 for failure to prosecute.

DATED October 8, 2009.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**